

THE
DOE RUN
COMPANY

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ST LOUIS MO 63146
FAX 314-453-7177

DANIEL L. VORNBERG
VICE PRESIDENT ENVIRONMENTAL AFFAIRS
314-453-7154
greenbrown@aol.com
July 9, 2002

TES

Site:	<u>Herculanum</u>
ID#	<u>MO5006266373</u>
Break:	<u>1.0</u>
Other:	<u>7-9-02</u>

A717

Mr. Bruce Morrison
Project Manager
Superfund Division
USEPA Region VII
901 North Ave
Kansas City, KS 66101

Re: Herculaneum Lead Smelter Interior Dust Contamination Proposal

Dear Bruce:

I am responding to your letter of June 21, 2002 requesting our thoughts in response to the interior lead contamination.

We have examined the data you provided, including both the data attached to the letter and the supplemental data. We have come to the following conclusions on which we are basing our proposals. We are using the EPA Title X 403B rulemaking as our benchmark, which is based on lead dust loading reported as $\mu\text{g}/\text{ft}^2$ and based on a specified indoor dust wipe sampling method. The standard for floor surfaces including carpets is $40 \mu\text{g}/\text{ft}^2$ and windowsills are $250 \mu\text{g}/\text{ft}^2$.

Table 1 shows two aspects of the data that was collected. First, the percent passing the EPA wipe tests has significantly increased from the first test to the second test, thus putting into question the point of recontamination over time. Second the most recent data shows virtually all samples taken beyond $\frac{1}{2}$ mile passing the wipe test standard, raising serious questions whether there is any need to address the area beyond the property purchase area.

The comparisons in Table 2 calls into question the appropriateness of the vacuum test to determine whether carpets pose any risk to inhabitants, i.e., carpets considered a concern by EPA actually are within EPA's safe standards when measured by EPA's official protocol for evaluation of the standard.

Also, there is no evidence of the source contribution of the contamination, as no speciation work has been done in the houses. Your data set does report the presence of lead based paint in the homes tested, both inside and outside of the 0.5 mile distance.

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SUPERFUND RECORDS

The following points constitute our specific proposal to address EPA's concerns:

1. All homeowners inside the voluntary property purchase area occupied with children under six years old and that do not accept the home purchase offer will be offered replacement carpet. This will be accomplished by the end of October 2002.
2. All of the homeowners outside of our voluntary property purchase area but inside Highway 61-67 in Herculaneum occupied with children less than six years old will be offered replacement carpet. This will be accomplished by the end of February 2003.
3. All of the homeowners inside of the voluntary property purchase area, who are not covered in paragraph 1, and that do not accept the home purchase offer will be offered replacement carpet. This will be accomplished within six months of the end of December 2004, or within 3 months of final rejection of the offer by an individual homeowner, if considered final by the state, but in no case before the yard of that house has been remediated or remediation has been rejected by the owner.
4. All of the houses a) outside of the voluntary property purchase area and b) (i) within 0.5 of a mile of the smelter stack or (ii) houses on Hill, Thurwell, and other intersecting streets shown on the map will be offered replacement carpet by the end of December 2004, but in no case before the yard of that house has been remediated or remediation has been rejected by the owner.
5. The carpet offered will be a medium grade carpet; the total expense (carpet, pad, removal and installation) shall not exceed \$ 20 per square yard. Jefferson County carpet contractors will be used so to be convenient for the homeowner to choose color and type of carpet. If a homeowner wishes to upgrade the carpet above the amount offered they can do so by paying the carpet contractor for the upgrades separately. EPA shall assist in facilitating any "special waste" permits if required for disposal.
6. Each homeowner within the area shown on the map (and for homeowners within the property purchase area, that waive their right to sell their property to Doe Run shall receive a questionnaire offering an inspection of the ceiling) to determine if there is leakage of lead contaminated dust from the attic into the home. If they request such an inspection and a leak is identified, Doe Run will seal the leakage. (This is analogous to the way asbestos is now managed by USEPA.) The questionnaires and follow up work shall be done in calendar 2003 or within 3 months of the rejection of the property purchase offer inside the property purchase area if considered final by the state.

7. Doe Run has re-reviewed the ventilation system cleaning procedures and the data set of USEPA. The data set has not been established or presented in a way that offers evidence of recontamination related to its cleaning procedures. Therefore, we propose closure of this matter with no additional steps on this issue beyond the procedures, which is part of our current protocol (and which has been represented to us as typical of the typical HUD contract).
8. Doe Run proposes to split the costs of the carpet element of this program with USEPA in a manner proportional to Doe Run's contribution to lead dust based on the speciation method presented to EPA its proposed addendum to the Dust Sampling Protocol (letter dated June 1, 2002). This will be accomplished by taking one floor and one sill sample from 6 randomly drawn homes each in (a) the property purchase area north of Station Street, (b) the property purchase area south of Station Street, (c) between the buyout area and 0.5 mile, and (d) the Thurwell Hill street area. Doe Run will fund the program and USEPA will settle its portion by the permanent forgiveness of oversight cost equivalent to its share of the costs. Also, EPA will not charge oversight costs for this part of the Herculanum effort. Doe Run and EPA will agree on a neutral third party, such a professor from the local School of Public Health, to oversee the determination of the proportion of contribution. In the alternative, although Doe Run believes that lead paint in many homes is likely to be the major contributor to lead in dust, Doe Run is willing to agree to a 50-50 split of costs up front if EPA wishes to eliminate the uncertainty and difficulty of this process. We have cost estimates and are willing to share them if USEPA has interest in either variation of this proposal.
9. USEPA approves the dust speciation protocol amendment as proposed in the letter dated June 1, 2002.

I have to say, that we are surprised that EPA is contemplating action this early on this issue, as we thought that we had agreed during our March 21 discussions in Jefferson City to address recontamination based on data collected from a baseline after June 1st when a significant part of the plant emission controls were in place. Additionally, we understand USEPA is collecting data over the next year at these residences. We are questioning whether the current database is robust enough to make the decisions contemplated herein. With only a limited number of the houses appearing to be exceeding USEPA dust standards and with the mounting evidence that speciation is a significant factor in Herculanum that may affect risk, does the evidence presented rise to the normal standard of time critical concern?

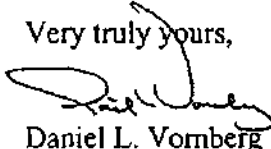
Those questions aside, Doe Run is willing to enter into a voluntary agreement (with an acceptable no admission of guilt clause) if the agency feels it has enough data to declare the recontamination issue resolved. This would suggest a suspension of further testing on this matter including expunging the recontamination sections from the original AOC. We know of no other location where USEPA feels such steps are necessary to protect

health if emissions are controlled and yard contamination addressed. Either the database is sufficient or it is not and these decisions should be put off.

Doe Run would be happy to discuss these ideas at the next Herculanum program meeting on July 17th, at the Kansas City meeting on July 22nd, at a smaller separate meeting with EPA on the 22nd, or in a separate meeting or phone call at another time. Alternatively, we are ready to sign the proposal outlined here immediately on drafting an agreement.

Thank you for your consideration. We believe this proposal is fair and goes to the concerns that have been hypothesized. Please note our companion letter that we do not anticipate would be part of the agreement, however that we feel is a necessary component to a comprehensive lead safe Herculanum community.

Very truly yours,



Daniel L. Vornberg
Vice President Environmental Affairs

Attachment 1 (Outline map of exact proposed areas)

TABLE 1

ANALYSIS OF ALL EPA WIPE TEST DATA

	No. Passing EPA 403B Standard/ Total Wipe Samples 1 st Test	No. Passing EPA 403B Standard/ Total Wipe Samples 2 nd Test
≤ ½ mile	12/28 (43% Pass EPA Test)	24/29 (83% Pass EPA Test)
> ½ mile	20/33 (61% Pass EPA Test)	33/34 (97% Pass EPA Test)

TABLE 2

COMPARISON OF MATCHED CARPET DUST DATA
EPA 403B WIPE TEST DATA VS. VACUUM DUST DATA

Wipe Test Data	Paired Vacuum Test Data	Vacuum Test Over prediction Factor
10.5 ug/ft ²	258 ug/ft ²	25
9.19 ug/ft ²	402 ug/ft ²	44
10.3 ug/ft ²	1,750 ug/ft ²	170
42.7 ug/ft ²	28,400 ug/ft ²	665

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July 9, 2002

Mr. Bruce Morrison
Project Manager
Superfund Division
USEPA Region VII
901 North Ave
Kansas City, KS 66101

Re: Companion commitment to the Herculaneum Lead Smelter Interior Dust
Contamination Proposal

Dear Bruce:

Attached is a proposal which Senator Carnahan is intending to advocate to replace lead based paint window systems. This program intends to address this exposure route for children in the City of St. Louis.

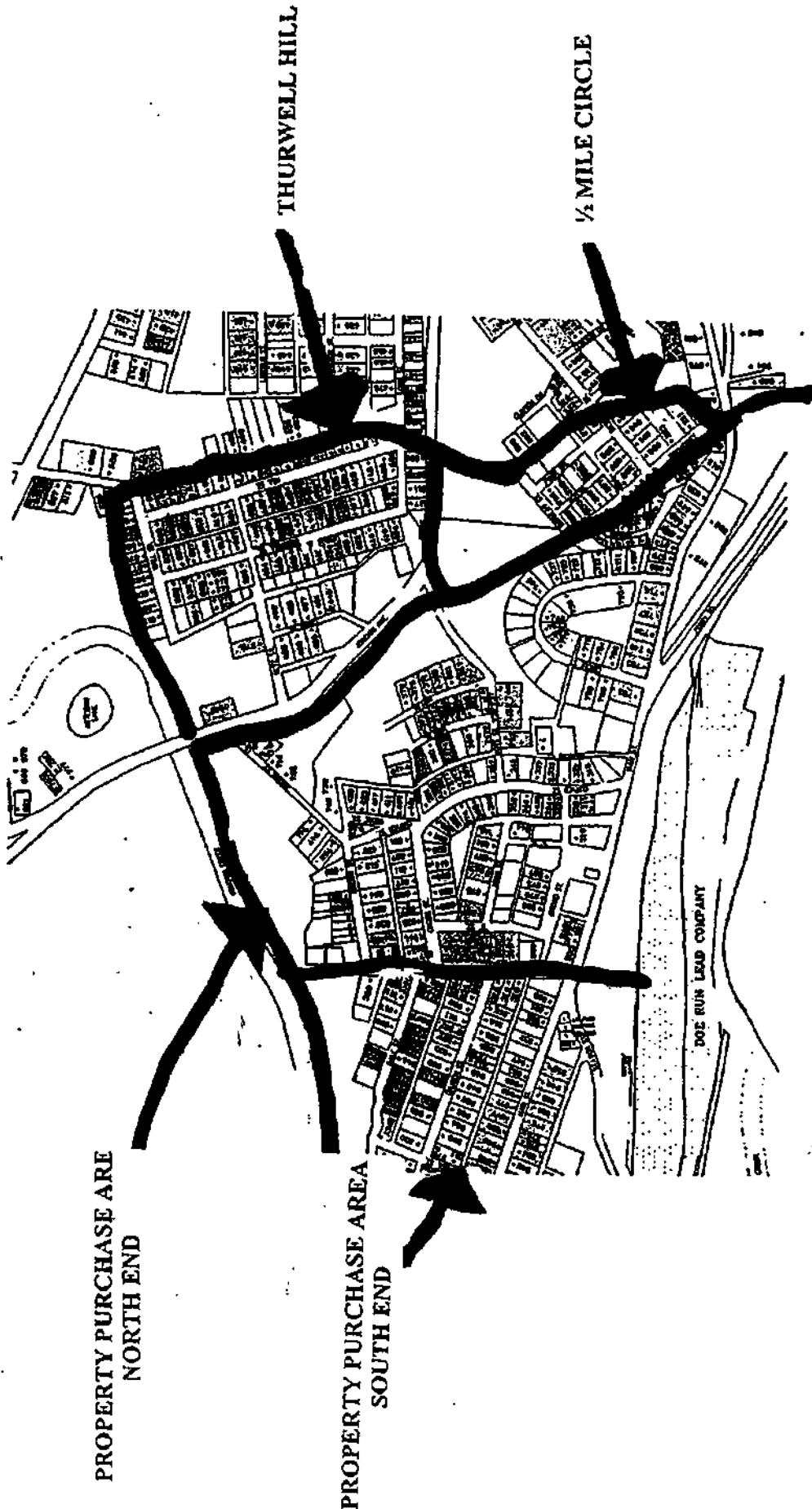
It is our intention, if agreement to a Herculaneum Lead Smelter Interior Dust Contamination program is achieved, to request an additional \$ 1,000,000 for window replacement for houses built before 1943 in Herculaneum to minimize the risk that interior lead dust from lead based painted windows. We would propose that any home inside of 61-67 highway that meets the age requirement be eligible. This request would be added onto the \$ 15,000,000 that Senator Carnahan is introducing to help the city of St. Louis in a similar cause.

We feel such a program is a necessary component to a comprehensive lead safe Herculaneum community.

Very truly yours,



Dan Vornberg
VP of Environmental Affairs
The Doe Run Company



OFFICE OF U.S. SENATOR JEAN CARNAHAN
APPROPRIATIONS REQUEST FORM

For Fiscal Year 2003 (October 1, 2002 – September 30, 2003)

Name of Organization: Missouri Department of Health and Senior Services
 Division of Environmental Health
 and Communicable Disease Prevention
 930 Wildwood, P.O. Box 570
 Jefferson City, MO 65102-0570
 (573) 751-6080

Contact Person: Pamela Rice Walker, Director
 Division of Environmental Health
 and Communicable Disease Prevention
walkep@dhss.state.mo.us
 Address and Telephone same as above

Project Name and Location: Lead Abatement Grant/Loan Program
 Missouri Department of Health and Senior Services

Description of Project: The goal of the lead abatement grant/loan program is to provide grants or low interest loans with local match to homeowners in homes that have high levels of lead paint in them and a child less than 72 months of age with an elevated blood lead level residing in the home. Funds could be used for window replacement as well as remediation of lead-based paint within the home. Lead poisoning is a major preventable environmental health problem. Elevated blood lead levels can cause health and developmental problems including damage to the brain and nervous system, slowed physical growth and loss in IQ. Children less than six years of age are at highest risk for lead poisoning because they engage in more hand-to-mouth behavior and their bodies absorb more lead during each exposure. In Missouri, 14% of children under age six have been tested for blood lead. Of those tested, 8% (4,600 children) had elevated blood lead levels (≥ 10 $\mu\text{g/dl}$) in 2000 with more than half residing in St. Louis City (2,600 children). Lead-based paint is a major source of contamination and is likely to be found in housing built before 1950. In Missouri, 28% of housing was build before 1950. Removing the lead-based paint, frequently found on window frames and molding around windows, would significantly reduce the exposure to young children residing in the home and significantly reduced the cost of energy for low income residents. Given the high lead levels in children living in St. Louis City, the programs highest priority would focus on remediating home in that area. Funds will be spent as follows: 30% for grants to low income homeowners, 70% for low interest loans; each grant or loan requires a 30% match to be solicited from local business/civic entities.

Amount Requested: \leq \$15 million

Federal Funding History: None

Similar Request: None

Matching Funds: Civic Progress, St. Louis City, St. Louis City Lead Coalition,
Housing Development Commission – amounts to be negotiated

Support: St. Louis City, St. Louis Lead Coalition, Governor's Lead
Advisory Committee, Urban League

Appropriation Cmte: Energy and Water or Labor, Health and Human Services

President's Budget: Not included

Agency to Fund: Centers for Disease Control and Prevention